

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOSH L. ANDERSON,

Plaintiff

V.

LARRY E. KOPKO, RANDY J. ICKERT and  
KATIE L. AVENALI,

## Defendants

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) Civil Action No. 04-135 Erie  
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) **Jury Trial Demanded**

## JOINT MOTION FOR EXTENSION OF TIME TO COMPLETE DISCOVERY

Plaintiff Josh L. Anderson and defendant Katie L. Smith, née Katie L. Avenali,  
respectfully submit the following Joint Motion for Extension of Time to Complete Discovery.

1. This action was filed on May 19, 2004, but service of process was not accomplished until June 5, 2005.
2. On January 6, 2006 the United States District Judge issued an order adopting the United States Magistrate Judge's December 12, 2005 Report and Recommendations that defendants' motion to dismiss and strike be granted.
3. On December 22, 2005 defendant Katie L. Smith, née Katie L. Avenali, filed her answer to plaintiff's amended complaint.
4. Plaintiff has served one set of interrogatories on October 20, 2005 and five sets of document requests on October 20, 2005 and January 19, February 18, March 2 and April 5, 2006. There have been three motions to compel discovery and the court has issued three orders in response to those motions.

5. Defendant has answered all of the interrogatories and document requests in their entirety to the extent required by the court except for the third document request, served on February 18, 2006 and the subject of a March 23, 2006 court order. Defendant has produced some of the documents required by the March 23, 2006 court order and is in the process of producing the remainder of the documents required by that order.

6. On January 10, 2006 the Court issued a case management order, requiring the completion of discovery by May 10, 2006 and the filing of pretrial statements by May 30, 2006 (plaintiff) and June 19, 2006 (defendant).

6. The parties wish to take the depositions of five individuals, but have not yet been able to take those depositions because of the time devoted to propounding and responding to document requests, and the failure to complete that written discovery given the quantity of documents requested.

7. The parties believe that they cannot complete the discovery they believe to be necessary on or before May 10, 2006 in compliance with the current case management order, but they believe they can complete discovery on or before July 10, 2006.

WHEREFORE, plaintiff Josh L. Anderson and defendant Katie L. Smith, née Katie L. Avenali, respectfully request that the Court issue an order extending discovery to July 10, 2006 with the parties' pretrial statements to be due twenty (plaintiff) and forty (defendant) days thereafter.

Respectfully submitted,

/s/Josh L. Anderson

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Respectfully submitted,

/s/ James T. Marnen

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Katie L. Smith, née Katie L. Avenali

THE UNITED STATES DISTRICT COURT  
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# CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 21<sup>st</sup> day of April, 2006, a copy of the within document was served on all counsel of record and unrepresented parties in accordance with the applicable rules of court.

/s/ James T. Marnen

James T. Marnen